

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
VINCENT CERCHIO,	:	
	:	23-CR-330-01 (PAE)
Defendant.	:	
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WHEREAS, on or about June 29, 2023, VINCENT CERCHIO (the “Defendant”), among others, was charged in five counts of a seven-count Indictment, 23 Cr. 330 (PAE) (the “Indictment”), with conspiracy to commit Hobbs Act robbery, in violation of Title 18, United States Code, Sections 1951 (Count One); Hobbs Act robbery in violation of Title 18, United States Code, Sections 1951 and 2 (Counts Two and Five); and firearms use, carrying, and possession in violation of Title 18, United States Code, Sections 924(c)(1)(A)(i) and (ii) and 2 (Count Three and Six);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One, Two, and Five of the Indictment, seeking forfeiture to the United States, pursuant to Title 18 United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts One, Two, and Five of the Indictment, including but not limited to a sum of money in United States Currency representing proceeds traceable to the commission of the offenses charged in Counts One, Two, and Five of the Indictment;

WHEREAS, on or about October 27, 2023, the Defendant pled guilty to Count One of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Indictment and agreed to forfeit,

to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Sections 2461(c), a sum of money equal to \$1,220,000 in United States currency, representing proceeds traceable to the commission of the offense charged in Count One of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$1,220,000 in United States currency representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained, for which the Defendant is jointly and severally liable with co-defendants Frank DiPietro and Michael Sellick ("Co-defendants") to the extent forfeiture money judgments are entered against the Co-defendants in this case; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorneys, Justin Horton and Alexandra S. Messiter of counsel, and the Defendant, and his counsel, Ian H. Marcus Amelkin, Esq., that:

1. As a result of the offense charged in Count One of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$1,220,000 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained, for which the Defendant is jointly and severally liable with the Co-defendants to the extent forfeiture money

judgments are entered against the Co-defendants in this case, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, VINCENT CERCHIO, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:


DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By: /s/  
JUSTIN HORTON  
ALEXANDRA S. MESSITER  
Assistant United States Attorneys  
One St. Andrew's Plaza  
New York, New York 10007  
(212) 637-2276/2544

10/25/23  
DATE

VINCENT CERCHIO  
By:   
VINCENT CERCHIO

10/27/23  
DATE

By:   
IAN H. MARCUS AMELKIN, ESQ.  
Attorney for Defendant  
52 Duane Street, 10th Floor  
New York, New York 10007

10/27/23  
DATE

SO ORDERED:

  
HONORABLE PAUL A. ENGELMAYER  
UNITED STATES DISTRICT JUDGE

10/27/23  
DATE